

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**HB 241 - SB 241**

March 16, 2009

**SUMMARY OF BILL:** Includes aggravated robbery, when accomplished with a deadly weapon or by display of any article that leads the victim to believe it is a deadly weapon, to the list of offenses for which an offender must serve 100 percent of the sentence imposed less sentence credits earned and retained.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$10,240,500/Incarceration\***

**Assumptions:**

- Currently an offender convicted of aggravated robbery must serve 100 percent of the sentence imposed if the offender has at least one prior conviction for aggravated robbery or especially aggravated robbery. Under current law, standard Class B felonies carry a sentence ranging from eight to 12 years and standard Class A felonies carry a sentence ranging from 15 to 25 years, and offenders are eligible for release after serving 30 percent of their sentences.
- Aggravated robbery is defined as robbery accomplished with a deadly weapon or display of any article used to lead the victim to reasonably believe it is a deadly weapon or where the victim suffers serious bodily injury. Punishable as a Class B felony.
- According to the Department of Correction (DOC), for the period FY97-98 through FY07-08, 41 percent of admissions were violators returning to prison. According to DOC, there has been an average of 671 admissions for aggravated robbery in each of the past 10 years.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will result in 71 additional offenders in the tenth year. DOC estimates 41 percent (304) would have a prior conviction and would serve additional time on their sentence as a result of this bill.
- According to DOC, 21 percent of offenders will re-offend within one year of their release. A recidivism discount of 21 percent has been applied to

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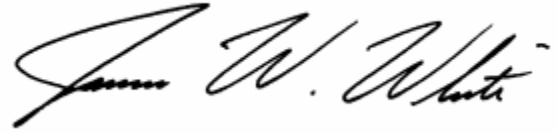
this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under current law (304 offenders x 21% recidivism discount = 64 offenders). The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 240 offenders (304 – 64). According to DOC, the average operating cost per offender per day for calendar year 2009 is \$59.80.

- According to DOC, the average length of sentence for an offender convicted of aggravated robbery is 9.19 years and the average post-conviction time served is 5.99 years. Eighty-five percent of the average length of sentence would be 7.81 years (9.19 years x 85%). These 240 offenders would serve an additional 1.82 years (an increase from 5.99 years to 7.81 years) as a result of this bill. The cost per offender at 5.99 years is \$130,832.83 (\$59.80 x 2,187.84 days). The cost per offender at 7.81 years is \$170,585.48 (\$59.80 x 2,852.60 days). The additional cost of increasing the average sentence length from 5.99 years to 7.81 years is \$39,752.65 (\$170,585.48 - \$130,832.83). The total additional operating cost for 240 offenders is \$9,540,636 (\$39,752.65 x 240).
- According to DOC, there has been an average of 39 admissions for aggravated robbery in each of the past 10 years. Population growth will result in an additional four offenders in the tenth year. DOC estimates 41 percent (18) would have a prior conviction and would serve additional time on their sentence as a result of this bill. A recidivism discount of 35 percent has been applied to this estimate (18 offenders x 35% recidivism discount = 6 offenders). The maximum cost in the tenth year is based on 12 (18-6) offenders.
- According to DOC, the average length of sentence for an offender convicted of especially aggravated robbery is 19.69 years and the average post-conviction time served is 14.06 years. Eighty-five percent of the average length of sentence would be 16.73 years (19.69 years x 85%). These 12 offenders would serve an additional 2.67 years (an increase from 14.06 years to 16.73 years). The cost per offender at 14.06 years is \$307,097.51 (\$59.80 x 5,135.41 days). The cost per offender at 16.73 years is \$365,415.67 (\$59.80 x 6,110.63 days). The additional cost of increasing the average sentence length from 14.06 years to 16.73 years is \$58,318.16 (\$365,415.67 - \$307,097.51). The total additional operating cost for 12 offenders is \$699,817.92 (\$58,318.16 x 12).
- Any impact to the state trial courts can be accommodated within existing resources.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large, stylized "J" and "W".

James W. White, Executive Director

/lsc